

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHRISTOPHER LAMONT WILLIAMS
Petitioner,

v.

WARDEN HENRY STEWART
Respondent.

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No. 3:09-0527
Judge Echols

O R D E R

On April 24, 2009, the petitioner initiated this action with the *pro se* filing of a petition (Docket Entry No.1) under 28 U.S.C. § 2254, for writ of habeas corpus.

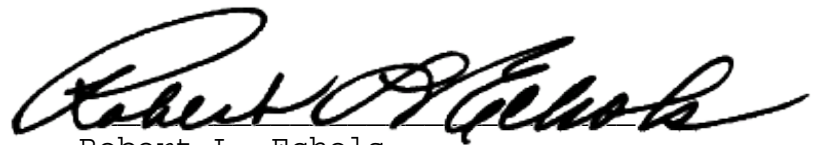
Upon preliminary review of the petition, the Court determined that it had not been filed in a timely manner. Accordingly, an Order (Docket Entry No. 6) was entered granting the petitioner thirty (30) days in which to show cause why the petition should not be denied for that reason.

Since the entry of this Order, the petitioner has filed a response (Docket Entry No. 8). In the response, the petitioner does not question the dates used by the Court to calculate the timeliness of this action. Rather, he attributes the untimeliness of the petition to his attorney's failure to provide him with current information.

A lawyer's mistake is not a valid basis for equitable tolling of the limitation period. Jurado v. Burt, 337 F.3d 638, 644-645 (6th Cir. 2003). Consequently, given the untimeliness of the petition, the petition is DENIED and this action is hereby DISMISSED. Rule 4, Rules - - - § 2254 Cases.

Having failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability shall NOT issue in this instance. 28 U.S.C. § 2253(c)(2).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

Robert L. Echols
United States District Judge